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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,897	06/20/2003	Scott W. Ziegler	020P0101	6794
7590 01/18/2006 Rodney F. Brown 3365 Baltimore Street San Diego, CA 92117			EXAMINER NELSON JR, MILTON	
			ART UNIT	PAPER NUMBER
			3636	
DATE MAILED: 01/18/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/600,897	<b>Applicant(s)</b> ZIEGLER, SCOTT W.	
	<b>Examiner</b> Milton Nelson, Jr.	<b>Art Unit</b> 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-13, 15-20 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-20 and 25-27 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8 and 10-12 is/are rejected.
- 7) ☐ Claim(s) 6 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/20/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by McNichol, Jr. et al (3873127). Note the seating unit (10) for a motorcycle (see lines 54-56 of column 4), seat (42), seating surface (92), backrest assembly (44), support arm (76, 84), pivot end (at one side at 80), free end (area above the pivot end), back bar (94), first position (see Figure 2), second position (see Figure 1), front side of seat (note the side directly adjacent the side of 94, as shown in Figure 1), second support arm (78, 86), second pivot end (at the other side at 80), lateral side engagement (see Figure 6), angle of recline in a range from “about 0 degrees to 45 degrees beyond true vertical (note Figure 2), and the pivots rotatably engaging the seat (see Figure 6).

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by McNichol, Jr. et al (3873127). Note the seating unit (10) for a motorcycle (see lines 54-56 of column 4), seat (42), seating surface (92), backrest assembly (44), support arm (76, 84), pivot end (at one side at 80), free end (area above the pivot end), back bar (94), first position

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(see Figure 2), second position (see Figure 1), front side of seat (note the side directly adjacent the side of 94, as shown in Figure 1), and arc (note actuate ends of 92, as shown in Figure 1, or the arcuate end of 62).

Claims 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by McNichol, Jr. et al (3873127). Note the seating unit (10) for a motorcycle (see lines 54-56 of column 4), seat (42), seating surface (92), backrest assembly (44), first lateral support arm (76, 84), first pivot end (at one side at 80), first free end (area above the pivot end), back bar (94), first position (see Figure 2), second position (see Figure 1), front side of seat (note the side directly adjacent the side of 94, as shown in Figure 1), second lateral support arm (78, 86), second pivot end (at the other side at 80), lateral side engagement (see Figure 6), and the pivots rotatably engaging the seat (see Figure 6).

#### ***Allowable Subject Matter***

Claims 15-20 and 25-27 are allowed.

Claims 6 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Amendment/Arguments***

Applicant's response filed October 17, 2005 has been fully considered.

Remaining issues are described in the above sections. Applicant's arguments are now moot in view of the new grounds of rejection.

### ***Conclusion***

This Office action has not been final in view of the new grounds of rejection not necessitated by Applicant's amendment.

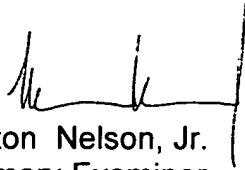
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (571) 272-6861. The examiner can normally be reached on Monday-Wednesday, and alternate Fridays 5:30-3:00.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Milton Nelson, Jr.  
Primary Examiner  
Art Unit 3636

mn  
January 17, 2006